

**DECISION NOTICE
and
FINDING OF NO SIGNIFICANT IMPACT
for the**

2017 Motor Vehicle Use Map (MVUM) Update

USDA Forest Service, Tahoe National Forest
American River, Sierraville, Truckee and Yuba River Ranger Districts
Nevada, Placer, Plumas, Yuba, and Sierra Counties, California

The Forest Service has proposed management actions to remove fixed seasonal closures on six paved roads; remove fixed seasonal road and motorized trail closures in the Burlington area and use flexible seasonal closures for roads and motorized trails in this area, based on soil moisture, timing and weather conditions; close road segments dead-ending on private lands; and close disconnected road segments on National Forest System (NFS) lands within Tahoe National Forest. The location includes portions of Nevada, Placer, Plumas, Yuba, and Sierra Counties, California.

The Forest Service has prepared an Environmental Assessment (EA) for the 2017 Motor Vehicle Use Map (MVUM) Update in compliance with the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA discloses the direct, indirect, and cumulative effects that would result from the proposed alternatives.

This document contains a Decision Notice and Finding of No Significant Impact (FONSI). The Decision Notice identifies the decision and the rationale for its selection. The FONSI describes the factors used in determining that the decision does not cause significant impacts on the human environment and therefore does not require preparation of an environmental impact statement. Additional documentation, including more detailed analyses of project area resources, may be found in the project record located at the Supervisor's Office in Nevada City, California.

Decision

I have read the 2017 Motor Vehicle Use Map (MVUM) Update Environmental Assessment (EA), reviewed the analysis in the project file, including documents incorporated by reference (listed in Chapter 4 of the EA), and fully understand the environmental effects disclosed therein. After careful consideration of the analysis, applicable laws, the Forest Plan, and public comments, I have selected Alternative 1, the Proposed Action. My decision is based on a review of the record that shows a thorough analysis using the best available science.

The selected alternative (Alternative 1) includes the following activities:

1) Remove fixed seasonal closures (which currently do not allow wheeled motorized vehicles to travel from January 1 through March 31) for specific paved National Forest Transportation System (NFTS) roads as follows:

(a) Remove fixed seasonal closures on approximately 0.9 miles of two paved NFTS roads. These roads would be open to public wheeled motor vehicle travel year round.

(b) Remove fixed seasonal closure dates that currently extend from January 1 through March 31 on approximately 46.6 miles of four paved NFTS roads that are dually designated as snow trails. These four paved roads would be "open to wheeled motorized vehicle travel by the public except when managed as a snow trail".

2) Remove fixed wet weather seasonal closures from approximately 25 miles of NFTS roads and 45 miles of motorized trails in the Burlington area. The Forest Service would use soil moisture conditions,

timing, and weather factors to determine when roads and motorized trails in the Burlington area would be closed.

3) Close approximately 3.3 miles of NFTS road segments dead ending on private lands to public wheeled motor vehicle travel.

4) Close approximately 4.6 miles of isolated, disconnected road segments on NFS lands that cannot currently be legally reached by public wheeled motor vehicle travel.

Chapter 2.02 includes a detailed description of this decision under Alternative 1 (Proposed Action).

The selected alternative is fully described in Chapter 2 of the EA and incorporates management measures to reduce and avoid adverse environmental impacts.

My decision recognizes the valid use designations for roads and trails, and existing rights and the rights of use for NFTS roads and trails for those residing within the national forest as well as other areas administered by the Forest Service (36 CFR 212.55(d) and 212.6(b)).

Rationale for the Decision

My reasons for selecting Alternative 1 are:

- Alternative 1 will improve opportunities for public wheeled motor vehicle travel by allowing public motor vehicle users to travel these existing NFTS roads safely without causing resource damage during periods of little or no snow accumulation and would provide a more flexible season of road use based on weather conditions to help coordinate management between the dual, but non-compatible uses of wheeled motorized vehicle and over-snow vehicle travel. Alternative 1 will adopt a more flexible, soil moisture condition-based approach to determine when existing roads and OHV trails should be opened or closed in the Burlington area. I support keeping roads, trails and areas open for public use when use is not likely to impair natural resources in order to support multiple uses of the Forest.
- Alternative 1 will mitigate trespass onto private lands from NFTS roads by discouraging trespass onto private lands beyond the end of the public road rights-of-way.
- Alternative 1 will ensure that roads open for public wheeled motor vehicle travel can be legally reached by the motoring public. Closing the floating road segments will eliminate confusion about these routes and provide the public with a connected system of roads on which to legally travel with wheeled motor vehicles. The MVUM will provide the public with a clear depiction of connected legal wheeled motor vehicle travel opportunities on the TNF.
- My decision includes the implementation of management measures designed to mitigate potential adverse impacts to watershed resources in the Burlington area as identified under the Burlington area action description. All practicable means to avoid or minimize environmental harm have been adopted in the design of Alternative 1. I conclude that the management measures (EA pg. 12) included in the Proposed Action reduce effects from this project to a level of non-significance for all affected resources, while still accomplishing the purpose and need for the project.
- The effects analyses for the alternatives presented in Chapter 3 of the 2017 MVUM EA addressed the applicable general and specific criteria for designation of roads and trails for this project and informed the decision-making for this project.
- My decision will not impact Forest road, trail or area maintenance more than under the existing condition as roads, trails and areas will remain closed during period of road bed saturation and therefore closed during periods of potential road, trail and area maintenance impact due to use. Alternative 1 will not change the speed, volume, composition or distribution of traffic on the roads. Public safety and vehicle class are compatible with the road geometry and road surfacing.

- Alternative 1 provides for protection of forest resources, including water quality; cultural and historical resources; and riparian areas. It will protect and maintain habitat for Threatened, Endangered and Sensitive plant and animal species and Management Indicator Species.
- Alternative 1 implements applicable standards and guidelines in the Tahoe National Forest Land and Resource Management Plan (LRMP 1990) as amended by the Sierra Nevada Forest Plan Amendment Record of Decision (SNFPA ROD 2004).
- Alternative 1 addresses the requirement in NEPA to consider “the degree to which the action may adversely affect” a given resource. I have considered the degree to which this project’s actions add project-specific and cumulative effects to the various resources.

Alternatives Considered

In addition to the Proposed Action, I considered Alternative 2, No Action. Under the no action alternative, no new actions would be implemented to accomplish project goals. There would be no change in the fixed seasonal closures on the paved Forest roads. The fixed seasonal closures on Forest roads or motorized trails in the Burlington area would remain. The road segments dead ending on private lands would remain open to public wheeled motorized vehicle travel and displayed on the MVUM. The floating road and trail segments would also remain open to wheeled motorized vehicle travel, although they could not be legally reached by routes shown on the MVUM.

Public Involvement

The 2017 MVUM Update has been included in the quarterly Tahoe National Forest Schedule of Proposed Actions (SOPA) since the January 2016.

A letter was sent to 39 individuals/groups and legal notification was published in Grass Valley’s *The Union* newspaper on February 4, 2016 to inform the public about the proposed action (EA Chapter 4). As a result of scoping, written comments were received from one organization: Sierra Pacific Industries. The letter did not have any issues associated with the proposed project, but did give suggestions on how to implement actions. As incorporated in the decision, the suggestions supported 1) flexible closures to address actual moisture conditions over fixed closure dates; 2) monitoring site conditions and carrying out closure orders to prevent damage; and 3) “preemptive closures based on predicted conditions”. Gates, as mentioned in the letter to enforce closures, were not part of this decision as the MVUM is used to legally close roads to wheeled motorized vehicle travel.

People were invited to review and comment on the preliminary EA for 30 days following a legal notice published June 17, 2016 in Grass Valley’s *The Union* newspaper through mailings to potentially interested individuals, organizations, and agencies; through the posting of the opportunity to comment letter and EA on the Forest website soon after the letters were mailed; and the legal notice. Separate letters were sent to Native American tribes. No comment letters were received during the comment period.

Finding of No Significant Impacts

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

Context

The 2017 MVUM Update project is a site-specific action that by itself does not have international, national, region-wide, or statewide importance. It is a change in the process for achieving the goals set forth in the 2005 Travel Management Rule (36 CFR 212, Subpart B). This project allows use of the NFTS when weather conditions allow, discourages trespass onto private land, and eliminates confusion about

roads available for motorized wheeled vehicle travel. No significant effects, either long or short term, regional or societal, are anticipated.

Intensity

I considered the following ten elements of impact intensity (40 CFR 1508.27b) in assessing the potential significance of Project effects.

1) Impacts that may be both beneficial and adverse

My finding of no significant environmental effects considers both beneficial and adverse impacts. I did not find any impacts adverse in terms of being significant nor biased by the beneficial effects of the action (EA Chapter 3; pp. 17-31 and supporting resource analyses found in the project file). Alternative 1 parameters along with the management measures (EA Chapter 2) will mitigate effects to less than significant levels.

2) The degree to which the proposed action affects public health or safety

There will be no significant effects to public health and safety by having additional periods of time available for motor vehicle opportunities when resource conditions allow. Safety is one of the considered criteria in determining if a road, trail or area should be closed within the season of use. Allowing motorized use during a potentially extended period of time would not adversely impact public safety because the existing vehicle classes allowed on the affected roads and motorized trails would not change from current management. Public safety would not be affected by closing road segments.

3) Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas

The 2017 MVUM Update does not propose additional roads, trails or areas near prime farmlands, wetlands, parklands, wild and scenic rivers or known ecologically critical areas. There may be some additional use of existing roads, trails and areas that have already been deemed appropriate in these areas. There are known cultural resources within the project area; however, use of existing roads and trails has no or little potential to cause effects to historic properties.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial

The Proposed Action is consistent with the management direction in the Tahoe NF LRMP (1990), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). Potential adverse effects have been minimized to the point where there are few effects to draw controversy. Public involvement efforts did not reveal any significant controversies regarding environmental effects of this proposal (EA pg. 32).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks

The effects of the proposed action on the human environment are predictable, based on experience with similar past practices. The Tahoe National Forest has extensive experience in transportation management. Any uncertainty in using soil moisture sensors, a new system for road and trail closures, in the Burlington area has been addressed through the monitoring and adaptive management measures described there. The EA shows that the effects from the proposed transportation management actions are not highly uncertain, and do not involve unique or unknown risk (EA Chapter 3; pp. 17-37).

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration

The action will not establish a precedent for future actions with significant effects. No significant effects are identified (EA, Chapter 3), nor does this action influence a decision in principle about any future considerations.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts

Consideration of the effects this project and other ongoing or planned projects in or adjacent to this project revealed no significant cumulative effects. The effects of other foreseeable future actions as well as past actions and ongoing actions were included in the analysis (EA Chapter 3; pp. 33-36).

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources

Cultural resources will be managed according to provisions of the National Historic Preservation Act of 1966 and the current Regional Programmatic Agreement (RPA) 2013. The Regional PA includes certain classes of Forest Service specific undertakings may be treated as Screened Undertakings under the PA. Screened Undertakings have no or little potential to cause effects to historic properties if they are present in an APE. Undertakings can include activities confined within previously disturbed areas (such as road prisms). These classes of undertakings are outlined in Appendix D of the Regional PA (2013). This undertaking meets the criteria of a screened undertaking (EA pg. 36).

9) The degree to which the action may adversely affect an endangered or threatened species or its critical habitat

As discussed on pages 17-31 of the EA, the 2017 MVUM Update would:

- Have no effect on Valley elderberry longhorn beetle since suitable habitat is not present and/or not affected by project activities.
- Have no effect on the California red-legged frog since known Tahoe NF locations and designated critical habitat are outside of the project area as described and analyzed in the Biological Evaluation. (PLA-1, Michigan Bluff, NEV-1, Sailor Flat, and YUB-1, Oregon Creek). Potentially suitable stream habitat in the Burlington Ridge area would not be affected by proposed removal of seasonal use restriction due to soil moisture monitoring design criteria and management measures as shown on pages 10-12 and under Sierra Nevada yellow-legged frog.
- Have no effect on the Sierra Nevada yellow-legged frog since proposed removal of seasonal restriction on paved roads would have no effect on species or habitat. Removing seasonal use on the Burlington Ridge area, would not affect a small segment of habitat where the trail crosses potentially suitable habitat (no frogs known) due to soil moisture monitoring and management measures (pages 10-12) to mitigate potential effects to water quality. Management measures include:
 - The Burlington OHV Wet Weather Operating Plan would develop a soil moisture trigger (threshold) for when the trail system and adjacent roads should be closed. The Operating Plan should allow for road and trail closures to be implemented anticipatory to when imminent rainstorms are forecast that would raise the soil moisture level above the trigger; which then would require closure of these roads and trails prior to the surfaces becoming saturated.
 - During the development of the plan, all of the roads and trails would be evaluated, and those areas which are more vulnerable to becoming saturated and/or damaged during wet weather motorized use, due to soil type, water flow from the road cutslopes or other factors, should either be hardened or closed in the winter and spring to avoid sediment delivery to streams.

- Inspect roads and trails with no fixed season of use annually for maintenance needs. Repair road drainage structures, such as drain dips and waterbars as needed. If road maintenance, especially road grading, is needed more frequently on these roads than in the past, either gravel the roads or revert to a season long closure during winter and spring to reduce the frequency of road maintenance.
 - Sign roads and trails open or closed at central locations to inform the public.
 - Monitor for compliance and enforce the wet weather closures.
- Have no effect on the Lahontan cutthroat trout since occupied habitat is not present within the project area described and analyzed in the Biological Evaluation.

Therefore this Project would not adversely affect an endangered or threatened species or its habitat.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protections of the environment (40 CFR 1508.27(b) (10))

Implementation of the project actions would not threaten a violation of Federal, State, or local law. The proposed action complies with the National Forest Management Act (NFMA), Endangered Species Act (ESA), Clean Water Act, Clean Air Act, and the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36 CFR 800). The project action is consistent with the Tahoe National Forest Land and Resource Management Plan (LRMP 1990) as amended by the Sierra Nevada Forest Plan Amendment (2004) and the 2007 Sierra Nevada Forests Management Indicator Species Amendment (EA pg. 37).

Findings Required by Other Laws and Regulations

As described in the EA (pp. 16-38), this decision is consistent with the provisions of the National Forest Management Act, the National Historic Preservation Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the Migratory Bird Treaty Act.

Administrative Review or Objection Opportunities

The EA and draft decision for this Project were subject to objection pursuant to 36 CFR 218, Subparts A and B. The 45-day objection filing period closed on September 19, 2016. No objections were filed on this Project.

Implementation Date

The decision may be implemented upon signature by the Responsible Official.

Contact Person

For further information concerning this decision or the Forest Service objection process, contact: Karen Walden, Environmental Coordinator, American River Ranger District, 22830 Foresthill Road, Foresthill, CA 95631. Phone: (530) 367-2224.



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Responsible Official, Forest Supervisor

Sept. 27, 2016

Date

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